

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: John D. Dobak III

Serial No.: Unassigned

Filed: Filed Herewith

Title: MEDICAL PROCEDURE

Art Unit: 3738

Examiner: David J. Isabella

Docket No.: 2050/1 D1

U.S. Patent and Trademark Office  
P.O. Box 2327  
Box Patent  
Arlington, VA 22202

**PRELIMINARY AMENDMENT**

Sir:

In regard to the above-identified application, please enter the following preliminary amendment and remarks:

**IN THE SPECIFICATION**

Please amend the specification as follows:

Page 1, after the title, please add the heading "STATEMENT OF RELATED APPLICATIONS", and replace the continuing data paragraph with the following paragraph:

- - This Application is a divisional of co-pending United States Patent Application serial no. 09/539,932, filed March 31, 2000, which is a continuation-in-part of serial number 09/306,866 filed 5/7/99, now U.S. Patent Number 6,235,048, and serial number 09/373,112, filed 8/11/99, the latter being a continuation-in-part of serial number 09/292,532 filed 4/15/99, which is a continuation-in-part of 09/103,342 filed 6/23/98, now U.S. Patent Number 6,096,068, and serial number 09/052,545 filed 3/31/98, now U.S. Patent Number 6,231,595, and serial number 09/047,012 filed 3/24/98, now U.S. Patent Number 5,957,963, the last of which is a continuation-in-part of serial number 09/012,287, filed 1/23/98, now U.S. Patent Number 6,051,019 issued April 18, 2000, and said serial number 09/306,866 filed 5/7/99 is a divisional of serial number 09/012,287, filed 1/23/98, now U.S. Patent Number 6,051,019. Each of these disclosures is hereby incorporated by reference in its entirety. - -

#### **IN THE CLAIMS**

Cancel in this divisional application original Claims 26-35 of the prior application U.S. Serial No. 09/539,932.

#### **STATUS OF CLAIMS**

Claims 1-25 are pending.

Claims 26-35 have been cancelled without prejudice herein.

#### **REMARKS**

This is a preliminary amendment before the first Office Action.

Claims 1-25 are pending herein.

Claims 26-35 have been cancelled since their subject matter is claimed in the parent application 09/539,932.

This divisional application is filed herewith following a restriction requirement in the parent case, 09/539,932, in which an election was made via facsimile on November 20, 2001 to restrict examination in the parent application to medical procedure claims 26-35.

The specification is amended to add the priority claim to the parent application 09/539,932.

The claims are amended to cancel claims 26-35, which are subject to examination in the parent case 09/539,932 following the restriction election made on November 20, 2001.

Attached hereto is a marked up version of the change made to the specification by this preliminary amendment. The attached page is captioned "Version with markings to show changes made".

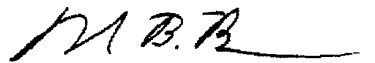
#### **CONCLUSION**

Applicant submits Claims 1-25 are in condition for allowance, early notification of which is earnestly solicited. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of the application at large, request is made that the Examiner telephone the Applicant's attorney at (908) 518-7700 in order that any outstanding issues be resolved.

#### **FEES**

If there are any fees due and owing in respect to this amendment, the Examiner is authorized to charge such fees to deposit account number 50-1047.

Respectfully submitted,



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Docket: 2050/1 D1

Version with markings to show changes made

IN THE SPECIFICATION:

After the Title insert the following section heading:

--CROSS REFERENCE TO RELATED APPLICATIONS --

and replace the first (continuing data) paragraph with the following rewritten paragraph:

- - This Application is a divisional of co-pending United States Patent Application serial no. 09/539,932, filed March 31, 2000, which is a continuation-in-part of serial number 09/306,866 filed 5/7/99, now U.S. Patent Number 6,235,048, and serial number 09/373,112, filed 8/11/99, the latter being a continuation-in-part of serial number 09/292,532 filed 4/15/99, which is a continuation-in-part of 09/103,342 filed 6/23/98, now U.S. Patent Number 6,096,068, and serial number 09/052,545 filed 3/31/98, now U.S. Patent Number 6,231,595, and serial number 09/047,012 filed 3/24/98, now U.S. Patent Number 5,957,963, the last of which is a continuation-in-part of serial number 09/012,287, filed 1/23/98, now U.S. Patent Number 6,051,019 issued April 18, 2000, and said serial number 09/306,866 filed 5/7/99 is a divisional of serial number 09/012,287, filed 1/23/98, now U.S. Patent Number 6,051,019. Each of these disclosures is hereby incorporated by reference in its entirety. - -

Cancel Claims 26-35.